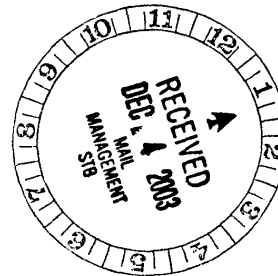


209535



December 4, 2003

VIA UPS OVERNIGHT DELIVERY

Mr. Vernon Williams, Secretary  
Surface Transportation Board  
1925 "K" Street, N.W.  
Washington, DC 20423-0001

RE: STB Docket No. AB-33 (Sub-No. 208X), Union Pacific Railroad  
Company - Abandonment Exemption - In Marshall County, Kansas  
(Marietta Industrial Lead) from M.P. 133.13 to M.P. 125.0 --  
Request for Interim Trail Use

Dear Mr. Williams:

The Union Pacific Railroad Company has received a request from the Nebraska Trails Foundation, Inc. ("NTF") for a Notice of Interim Trail Use pursuant to 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 regarding that portion of the Union Pacific's right-of-way known as the Marietta Industrial Lead from M.P. 125 near Marietta, Kansas to M.P. 133.13 near Marysville, Kansas, a distance of approximately 8.13 miles in Marshall County, Kansas.

Union Pacific is willing to negotiate with NTF concerning the acquisition of the subject property for trail use and supports the NTF's request to negotiate for a period of 180 days. A copy of the NTF's request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

ENTERED  
Office of Proceedings

DEC 04 2003

Part of  
Public Record

Enclosures

cc: Tim Cambridge <Via Fax>  
<202/565-9004>

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

O:\ABANDONMENTS\33-208X\NITU-180.wpd

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph (312) 777-7065 fx (312) 777-7065

EXHIBIT "A"

**Nebraska Trails Foundation, Inc.**

1644 Woodsvlew • Lincoln, NE • 68502-4649 • 402-420-5885

November 3, 2003

Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street NW  
Washington, DC 20423-0001



RE: Surface Transportation Board Docket No. AB-33 (Sub-No. 208X);  
Union Pacific Railroad Company - Abandonment Exemption in Marshall R  
County, Kansas (Marietta Industrial Lead) from M.P. 133.13 to M.P. 125.0.

Dear Secretary Williams:

I forgot to include the \$150 check for the above request. It is enclosed  
here.

If you have any questions, you may contact me at:

3901 S 29<sup>th</sup> St., Unit 29  
Lincoln, NE 68502  
402-475-7712

**FILED**

NOV 10 2003

Thank you.

Yours truly,

Ross Greathouse  
For Nebraska Trails Foundation

TRANSPORTATION BOARD

ENTERED  
Office of Proceedings

NOV 10 2003

RG:cg  
Enclosure

CC: John Angle, Pres. NE Trails Foundation

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Public Record**FILE RECEIVED**

NOV 10 2003

SURFACE  
TRANSPORTATION BOARD





## Nebraska Trails Foundation, Inc.

1644 Woodview • Lincoln, NE • 68502-4649 • 402-420-5885

October 31, 2003

Vernon Williams, Secretary  
Surface Transportation Board  
1925 K Street, NW  
Washington, DC 20423-0001



**FILED**

NOV 10 2003

RE: Surface Transportation Board, Docket No. AB-33 (Sub-No 208X).  
Union Pacific Railroad Company – Abandonment Exemption in  
Marshall County, Kansas (Marietta Industrial Lead) from M. P. 133.13  
to M. P. 125.0.

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment is filed on behalf of Nebraska Trails Foundation, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter." Further support has been attained through the City of Marysville's "Quality of Life" advisory committee. The City of Marysville appointed this committee to define and implement quality of life elements.

**RECEIVED**

NOV 10 2003

SURFACE  
TRANSPORTATION BOARD

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad, with respect to that portion of the right-of-way in Marshall County, Kansas between Milepost 125 near Marietta, Kansas to Milepost 133.13 near Marysville, Kansas, a distance of approximately 8.13 miles. The right-of-way is part of a line proposed for abandonment in Docket AB-33 (Sub-No 208X.)

A map of the right-of-way is attached.

ENTERED  
Office of Proceedings

NOV 05 2003

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Public Record

### A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use, and to place the following condition on the abandonment:

1. Barring non-public disposition

Condition sought: an order prohibiting the carrier from disposing of the corridor, other than the tracks, ties, and signal equipment, except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreational trails system of the state of Kansas which connect to major trails in the state of Nebraska. This property would allow us to provide hiking and bicycle routes paralleling the Big Blue River connecting Marysville, Kansas to Beatrice, Lincoln and Omaha, Nebraska. It would offer excellent wildlife viewing and recreational facilities for many small towns.

The time period sought is 180 days from the effective date of the abandonment authorization. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges, culverts, ballast and rip/rap, but not removal of tracks, ties, and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time-period requested is 180 days from the effective date of the abandonment authorization for the same reason indicated above.

B. Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail-banking, in addition to the public use conditions sought above. Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

**STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL  
RESPONSIBILITY**

In order to establish interim trail use and rail-banking under Section 8(d) of the National Trails system Act, 16 U.S.C. 1247 (d), and 49 C.F.R. 1152.29, Nebraska Trails Foundation, Inc. and City of Marysville, Kansas Quality of Life Committee are willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by Union Pacific Railroad.

A map depicting right-of-way is attached.

Nebraska Trails Foundation, Inc. and City of Marysville, Kansas Quality of Life Committee acknowledge that use of the right-of-way is subject to the users continuing to meet its responsibilities described above, and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on the same date it is being served on the commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr. Room 1920, Chicago, IL 60606.

Respectfully submitted,

*ROSS GREATHOUSE*

Ross Greathouse  
For Nebraska Trails Foundation, Inc.  
3901 South 27<sup>th</sup> Street, No. 29  
Lincoln, NE 68502

RG:cg

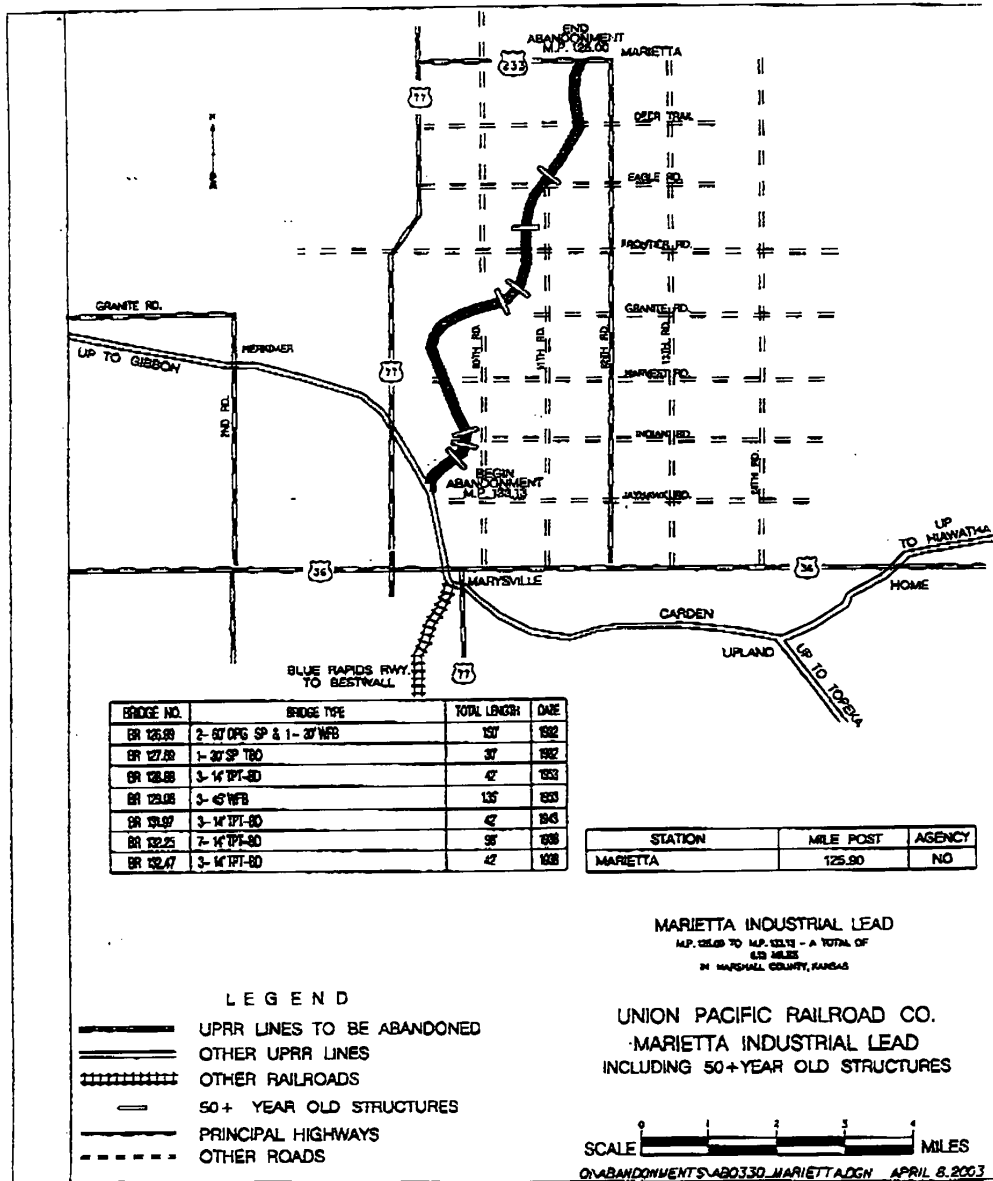
CC: Mack Shumate, Jr.,  
Senior General Attorney  
101 N Wacker Dr, Room 1920  
Chicago, IL 60606

John Angle, President  
Nebraska Trails Foundation, Inc  
3800 South 42 Street  
Lincoln, NE 68506

Don Abel  
Senior Mgr-Real Estate  
Union Pacific Railroad  
1800 Farnam Street  
Omaha, NE 68102

Steve O'Neal  
City of Marysville Quality of Life Committee  
406 N 18 Street  
Marysville, KS 66508

## ATTACHMENT 1



**UNION PACIFIC RAILROAD COMPANY  
FACSIMILE TRANSMISSION**

Law Department  
Suite 1920

101 North Wacker Drive  
Chicago, IL 60606

**Deliver to:** Vernon Williams  
**Attention:** Tim Cambridge

**Co./Dept:** Surface Transportation Board

**Fax No:** 202/565-9004

**Date:** December 4, 2003

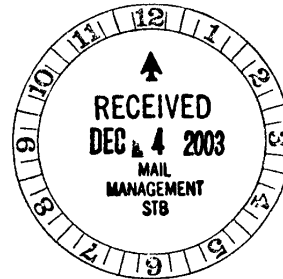
**From:** Mack H. Shumate, Jr.  
Senior General Attorney

**Phone:** 312/777-2055

No. of Pages Transmitted 7 + Cover

**COMMENTS:**

RE: Docket No. AB-33(Sub-No. 208X)



Transmitting From

Fax No. (312)777-2065  
(312)777-2041

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